

**What is the process for finalizing the NPL listing?**

Rulemaking process

HQ lead

Proposed Apr. 2015

30-day public comment period, closed \_\_\_\_\_

77 comments received

PRPs opposed

**What is EPA's enforcement process?**

2-part

AOC for RI/FS (investigation)

Judicial CD for RD/RA (remedy implementation)

**AOC**

Commitment to perform work only through RI/FS

Commitment to pay future response costs associated w/ RI/FS

**SA Approach**

~~Region 2 has never designated an NPL caliber site as SA approach~~

**What is it?**

The SAA the same cleanup approach as site listed on the NPL, however these sites are not eligible for remedial cleanup funds. Under an agreement the PRP will provide this funding.

Formatted: Font color: Red

**What are the criteria?**

The Sites contamination for these sites must be significant enough to be eligible for NPL Listing.

A long term response is anticipated.

There is at least one willing and capable party (PRP) that has responsibility under Superfund who will enter into an agreement with EPA to perform investigations and the cleanup.

**How does it work? How does the Agency ensure that the cleanup remedy gets implemented if the AOC only covers the RI/FS?**

What happens if the company can't or won't complete the RI/FS? There is a financial guarantee to fund the investigation through the Feasibility Study completion. If the company backs out the EPA and their contractor will use these funds to complete the RI/FS.

What happens if the company completes the RI/FS but doesn't enter into a CD to complete the cleanup? The EPA would proceed with having the site listed on the NPL. (The site would compete against any other sites looking to be listed as well.)

What is the difference between an SA approach agreement and an AOC for an RI/FS?

The AOC is part of the SA approach. The AOC is the binding agreement between the PRP and the EPA to assure the RI/FS is completed.

Does the SA approach provide equivalent assurances that the company will be held accountable for cleaning up the site to the traditional NPL approach?

This would be achieved through negotiations with the PRP to enter into a Consent Decree to see the project through completion.

Can the SAA be used if one of the PRPs doesn't enter into a SA approach agreement with EPA?

**Commented [CM1]:** Mark will need to answer this.

Timing for making a decision? EPA has agreed to consider SAA for the CFAC site. NPL listing won't be finalized until at least no earlier than the fall 2016.

CFAC meets the three criteria, but:

- EPA has discretion to enter into SAA agreements
- SAA can't be used if one or more PRPs don't agree to enter into an SAA agreement
- Governor, Sen. Tester and others in the community supported (and may still support) NPL listing
- Region 8 has never designated an NPL-caliber site as SA approach
- Region 8 doesn't have a track record of working with Glencore

**Formatted:** List Paragraph, Bulleted + Level: 1 +  
Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** List Paragraph, Bulleted + Level: 1 +  
Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** List Paragraph, Bulleted + Level: 1 +  
Aligned at: 0" + Indent at: 0.25"

\*.....

What are benefits of SAA?

- \* Helps address concerns of some in the community that NPL listing will cause a stigma to the community and affect property values. However, peer reviewed studies show that the effect of site listing on property values is mixed. However, we reasonably anticipate to see increases in property values as cleanup progresses, given that, after construction completion, the Gamper-Rabindran and Timmins study finds an 11 -- 13 percent increase and after deletion an 18.7 -- 24.4 percent increase in property values. [www.sciencedirect.com/science/article/pii/S0095069612001187](http://www.sciencedirect.com/science/article/pii/S0095069612001187)

\*.....

**Field Code Changed**

**Formatted:** Font: (Default) Calibri, Not Bold,  
Complex Script Font: Times New Roman, Not Bold

Not ready to make decision

Don't have all the information we need

Untested approach in Region 8

Litigation risk (recalcitrant)

Governor's Office & Montana DEQ position

Evaluate CFAC RI implementation